

SECOND AND THIRD READING SUMMARY SHEET

53

ZONING CASE NUMBER: C14H-99-0007

REQUEST:

To approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 615, 701 and 703 Pressler Street from SF-3-H Family Residence-Historic District zoning to SF-2 Single-Family (Standard Lot) District Zoning on Tract 1 and SF-2-H Single Family (Standard Lot) Historic Combining District Zoning on Tract 2 (approximately .0025 acre).

APPLICANT: Heritage Society of Austin

AGENT: Richard Suttle

OWNER: Heritage Society of Austin

DEPARTMENT COMMENTS:

A valid petition of 36.96% was filed in opposition to this rezoning request by adjacent property owners. In response to neighborhood and historic concerns, City Council voted on November 18, 1999, as follows:

- (1) change base zoning from SF-3 to SF-2,
- (2) remove historic zoning overlay for 3 lots, with the exception of an approximate 44 foot by .8 foot strip of land on lot 14 to be zoned SF-2-H to protect a historic barn encroachment; and
- (3) 2nd and 3rd reading contingent on applicant executing a legal agreement to provide current and future owners of lot 15 access onto lot 14 to perform maintenance on entire historic barn.

Field notes required to retain historic zoning on portion of lot 14 are complete. Legal agreement required to provide lot 15 property owner access onto lot 14 to maintain historic barn has been filed in the courthouse by the Heritage Society of Austin. All conditions have now been met and ordinance has been prepared.

DATE OF FIRST READING/VOTE: November 18, 1999; Vote: Change zoning from SF-3-H to SF-2 for lots 12-14, with the exception of a small portion of lot 14 to be zoned SF-2-H with condition that applicant execute legal agreement to provide owners of lot 15 access onto lot 14 to allow maintenance of historic barn (Vote: 6-0-1; Goodman abstained).

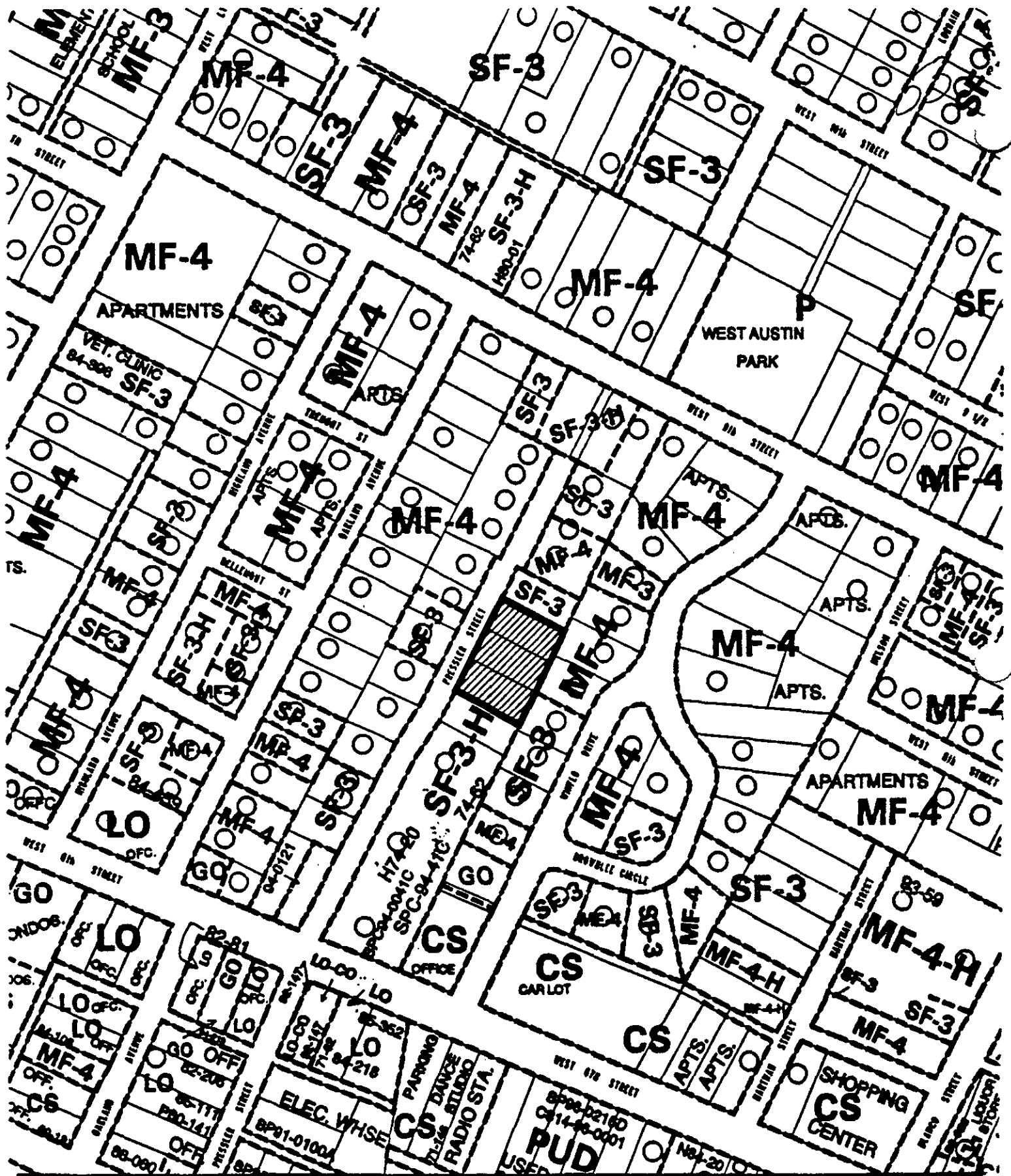
CITY COUNCIL HEARING DATE:





January 27, 2000

CITY COUNCIL ACTION:

ASSIGNED STAFF: Barbara Stocklin

PHONE NUMBER: 499-2414



 1" = 200'	SUBJECT TRACT		ZONING CASE #: C14H-99-0007 ADDRESS: PRESSLER ST. & W.6TH ST SUBJECT AREA (acres): 0.478	DATE: 99-06 INTLS: TRC	CITY GRID REFERENCE NUMBER H23
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: B.STOCKLIN				

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ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP
2 ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

3
4 LOTS 12-14, SMOOT SUBDIVISION, FROM FAMILY RESIDENCE-HISTORIC (SF-
5 3-H) COMBINING DISTRICT TO SINGLE FAMILY RESIDENCE STANDARD LOT
6 (SF-2) DISTRICT, AND A PORTION OF LOT 14 FROM FAMILY RESIDENCE-
7 HISTORIC (SF-3-H) COMBINING DISTRICT TO SINGLE FAMILY RESIDENCE
8 STANDARD LOT-HISTORIC (SF-2-H) COMBINING DISTRICT, GENERALLY
9 KNOWN AS THE SMOOT SUBDIVISION, LOCALLY KNOWN AS 615, 701 AND 703
10 PRESSLER STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

11
12 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

13
14 PART 1. The Zoning Map established by Section 25-2-191 of the City Code is amended to
15 change the base districts on the property described in File C14H-99-0007, as follows:

16 Tract 1: From Family Residence-Historic (SF-3-H) combining district to Single
17 Family Residence Standard Lot (SF-2) district.

18
19
20 Lots 12-14, Outlot 3, Division Z, Smoot Subdivision, a subdivision in the City of
21 Austin, Travis County, Texas, according to the map or plat of record in Plat Book
22 3, Page 42, of the Plat Records of Travis County, Texas, SAVE AND EXCEPT,
23 that portion of Lot 14 described in this ordinance as Tract 2.

24
25 Tract 2: From Family Residence-Historic (SF-3-H) combining district to Single
26 Family Residence Standard Lot-Historic (SF-2-H) combining district.

27
28 A portion of Lot 14, Outlot 3, Division Z, Smoot Subdivision, a subdivision in the
29 City of Austin, Travis County, Texas, according to the map or plat of record in Plat
30 Book 3, Page 42, of the Plat Records of Travis County, Texas, said portion of Lot
31 14 being more particularly described by metes and bounds in Exhibit "A",
32 incorporated into this ordinance,

33
34 locally known as 615, 701 and 703 Pressler Street, generally known as the Smoot Subdivision,
35 in the City of Austin, Travis County, Texas, and as more particularly identified in the map
attached as Exhibit "B".

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PART 2. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 3. This ordinance takes effect on _____, 2000.

PASSED AND APPROVED

_____, 2000 §
 §
 §

Kirk Watson
Mayor

APPROVED: _____ ATTEST: _____
 Andrew Martin Shirley A. Brown
 City Attorney City Clerk

FIELD NOTES
FOR
HERITAGE SOCIETY OF AUSTIN

53
Field Notes
for Tract 2

BARN ENCROACHMENT

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF LOT 14, OUTLOT 3, DIVISION Z, SMOOT SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 42, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod set at the Southeast corner of Lot 14, being the Northeast corner of Lot 15, Outlot 3, Division Z, Smoot Subdivision, as recorded in Plat Book 3, Page 42, Plat Records, Travis County, Texas, for the Southeast corner hereof;

THENCE with the South line of the said Lot 14, being the North line of the said Lot 15, N 58°24'W for a distance of 44.45 feet to a point on the West side of a wooden barn, for the Southwest corner hereof;

THENCE leaving the said lot line, N 31°31'E for a distance of 0.80 feet to a point at the Northwest corner of the said wooden barn, for the Northwest corner hereof;

THENCE with the North wall of the said wooden barn, S 59°04'E at a distance of 44.2 feet pass the Northeast corner of the said barn, and continue on for a total distance of 44.43 feet to a point in the East line of the said Lot 14, for the Northeast corner hereof;

THENCE with the East line of the said Lot 14, S 30°40'W for a distance of 1.20 feet to the PLACE OF BEGINNING.

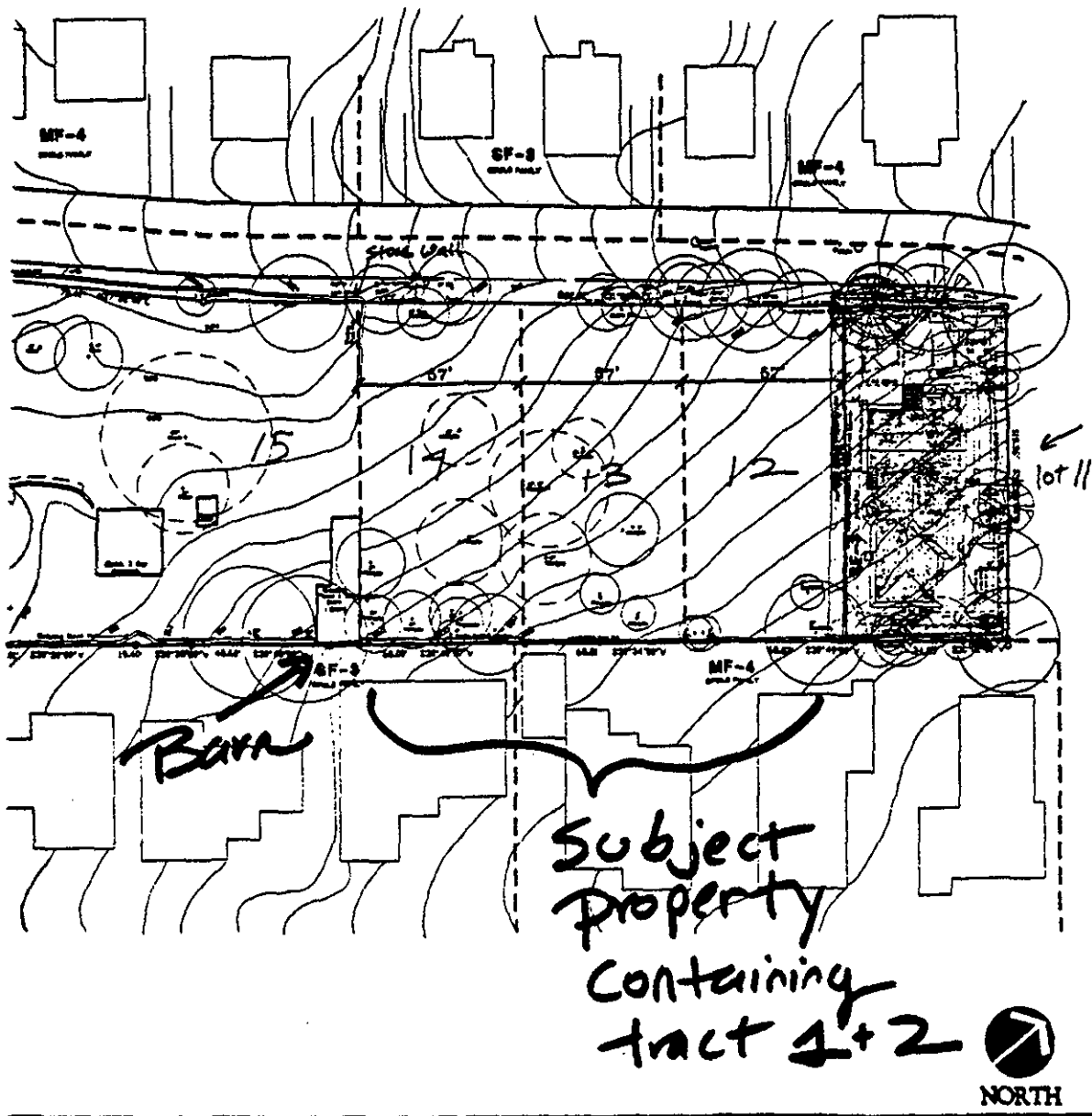
AS SURVEYED BY
DOUG SEELIG LAND SURVEYORS P.C.

Douglas A. Seelig

DOUGLAS A. SEELIG
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1908
3802 MANCHACA ROAD
AUSTIN, TEXAS 78704
October 28, 1999

WORK ORDER NO. 17054





SCALE 1" = 30'0"

0 30 60

The Smoot House at
FLOWER HILL
1316 West 6th Street
Austin, Texas

Submitted:	Project #
COA 1-27-14	40857
	Date: July 14, 1994
	Drawn By: KCM
Revisions:	Reviewed By: SN

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MAP TO ACCOMPANY FIELD NOTES

SCALE 1"=20'

PRESSLER STREET

40' R.O.W. -- Asphalt Pavement

Concrete Curb & Gutter

Fire Hydrant

Inlet

Rock Wall

0.5' N 31°21'E 56.69' (57')

20.75'

Board Fence

(123.06')

N 58°20'W 123.06'

Lot 15

LOT 14

(122.40')

N 58°37'W 122.38'

120.30'

0.5'

N 31°31'E 0.60'

44.45'

N 58°29'W 44.45'

5 58°04'E 44.43'

SUBJECT TRACT 2

5 30°40'W 1.20'

5 30°40'W 1.20'

(57')

0.5' N 30°40'E 56.98' (57')

PLACE OF BEGINNING

Lot 10

Lot 11

Lot 9

1.0' Rock Wall

* Tract 1: Lots 12, 13 + 14 except for
.0025 acre barn encroachment
Constituting Tract 2

DOUG SEELIG LAND SURVEYORS, P.C.
3802 Manchaca Road - Austin, Texas 78704 - Ph. (512) 440-0222

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EASEMENT AGREEMENT

This Easement Agreement (this "Agreement") is executed November _____, 1999 by and between the Heritage Society of Austin, Inc., a Texas non-profit corporation ("Heritage") and Jane Smoot, a resident of Travis County, Texas ("Miss Smoot"), the parties agree as follows:

1. Recitals.

(a) Heritage is the owner of Lot Fourteen (14) in the Smoot Subdivision, in Outlot 3, Division "Z", City of Austin, Travis County, Texas according to the plat of the Smoot Subdivision recorded in Volume 3, Page 42, Plat Records of Travis County, Texas ("Lot 14");

(b) Miss Smoot is the owner of Lot 15 in the Smoot Subdivision in Outlot 3, Division "Z", City of Austin, Travis County, Texas, according to the plat of the Smoot Subdivision recorded in Volume 3, Page 42, Plat Records of Travis County, Texas, ("Lot 15");

(c) Lots 14 and 15 are more particularly reflected on the survey a copy of which is attached as Exhibit A to this Agreement (the "Survey");

(d) the Survey reflects the existence of a wooden barn located primarily on Lot 15 (the "Barn"), a portion of which extends over the lot line dividing Lot 14 and Lot 15 onto a portion (the "Lot 14 Barn Location") of Lot 14 as more particularly shown on the Survey;

(e) Heritage and Miss Smoot desire to confirm their agreements with respect to the Barn and certain easement rights and obligations of Heritage and Miss Smoot with respect to the same; and,

(f) each of the parties acknowledges that each has given and received good, sufficient, valuable and present consideration to support each of the obligations of the parties under this Agreement.

2. Grant by Heritage of Easement for Encroachment of Barn. Heritage, on behalf of itself and all future owners of Lot 14, grants to Miss Smoot, and all future owners of Lot 15, an easement on the Lot 14 Barn Location for the purpose of continuing the location of the Barn on the Lot 14 Barn Location. Neither Heritage nor any future owner of Lot 14 will have the right to require the Barn to be relocated or moved from the Lot 14 Barn Location or assert any claims against the owner of Lot 15 with respect to the encroachment of the Barn onto the Lot 14 Barn Location.

3. Grant By Heritage of Maintenance Easement. In addition to the easement granted under Section 2 above, Heritage, on behalf of itself and all future owners of Lot 14, hereby grants to Miss Smoot, and all future owners of Lot 15, the right of access onto that portion of Lot 14 located within five feet of the Barn (the "Maintenance Area") solely for the purpose of maintaining and repairing the Barn, and agrees that the owner of Lot 14 shall not be entitled to construct any fence or other structure on the Maintenance Area which unreasonably interferes with the use by the owner

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of Lot 15 of this easement. The rights of the owner of Lot 15 to access Lot 14 are subject to providing the owner of Lot 14 at least 24 hours prior notice of the use of such access.

4. Responsibility for Maintenance of the Barn. The maintenance and repair of the Barn shall be exclusively the responsibility of the owner of Lot 15. The owner of Lot 14 shall have no responsibility, liability or obligation whatsoever for the maintenance or repair of the Barn.

5. Termination of Easement. This Agreement, and all of the rights and easements of the owner of Lot 15 under this Agreement, shall terminate automatically in the event that the Barn is destroyed, demolished or otherwise ceases to be located on the Lot 14 Barn Location for any reason.

6. No Other Rights. Except as expressly set forth above, the owner of Lot 15 shall have no rights to use or occupy any portion of Lot 14 for any reason or purpose.

7. Easement to Run with the Land. This Agreement shall benefit, and be enforceable against, each of Heritage and Miss Smoot, together with all subsequent owners of Lots 14 and 15, respectively.

8. General Provisions.

(a) This Agreement shall be governed by Texas law;


(b) this Agreement is the final agreement of the parties with respect to the subject matter of this Agreement, and all prior contemporaneous negotiations, discussions and agreements are merged in this Agreement.

Executed as of the date above written.

HERITAGE SOCIETY OF AUSTIN, INC.

By: 

TOMMY R. NAVARRE, FIRST VICE-PRESIDENT
BOARD OF DIRECTORS


JANE SMOOT

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THE STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 17 day of November, 1999,
by Tommy Navarre of the Heritage Society of Austin, Inc. a Texas non-profit
corporation, for and on behalf of such corporation.



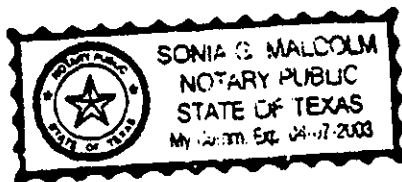
Rose Sullivan
NOTARY PUBLIC, State of Texas

THE STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 12th day of November, 1999.
by Jane Smoot.



Sonia G. Malcolm
NOTARY PUBLIC, State of Texas

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ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H-99-0007

H.L.C. DATE: June 28, 1999;
July 26, 1999;
August 23, 1999
P.C. DATE: September 14, 1999

AREA: 20,874 square feet

APPLICANT: Heritage Society of Austin

AGENT: Richard Suttle

ADDRESS OF PROPOSED ZONING CHANGE: Lots 12-14 Smoot Addition, (615, 701 and 703 Pressler Street).

ZONING FROM: SF-3-H

TO: SF-3

SUMMARY STAFF RECOMMENDATION: Staff recommends zoning from Family Residence Historic (SF-3-H) to Family Residence (SF-3) for lots 12-14 with two conditions:

- (1) that the entire Smoot barn retain historic zoning (largely on lot 15 which is currently SF-3-H, with an approximate 9.6' X 44' section of barn intruding onto lot 14);
- (2) that by third reading of City Council, the applicant submit field notes to achieve the first condition and execute an easement or other legal agreement to provide current/future owners of lot 15 access onto lot 14 to maintain barn from all sides.

HISTORIC LANDMARK RECOMMENDATION: On August 23, 1999, voted (5-4-1; Leary, Laky, Rabago, O'Connell nays; Limbacher abstained; Bunton absent) to remove historic zoning from lots 12 through 14 subject to historic zoning remaining on entire footprint of the barn; a 5 foot setback from the footprint of the barn for new construction on lot 14; and a 5 foot maintenance easement for the owner of lot 15 onto lot 14. July 26, 1999: Postponed (10-0; Lindsey absent); June 28, 1999: Postponed (10-0; Fowler absent).

PLANNING COMMISSION ACTION: On September 14, 1999, voted 5-2-2 (Mather and Alamanza nay; Baker and Vrudhula abstained) to recommend approval of the staff recommendation from SF-3-H to SF-3-CO.

DEPARTMENT COMMENTS: A valid petition has been filed in opposition to this rezoning request. The historic 1877 Smoot residence is located on a separate 52,930 square foot property located south of the three vacant lots. Lots 12-14, the main residential tract and lot 15 (which contains historic outbuildings) were all zoned historic in 1974. Lots 12-14 are vacant lands which were included in the 1974 historic zoning case primarily to provide the Heritage Society with future parking needed to convert house into a museum.

The three lots in question were originally owned by the Smoot family as part of lot 15, outlot 3, division Z, and used as pasture lands. In 1916, L.K. Smoot subdivided lot 15, outlot 3, Division Z into 15 lots.

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plus the Smoot homestead tract; this subdivision also involved the platting of Pressler Street. Lots 1 through 10 were all developed in subsequent decades with single-family residential housing, with most of these lots currently zoned either Family Residence (SF-3) or Multifamily Residence Moderate-High Density (MF-4).

The three lots in question are each approximately 6950 square feet in size, making them eligible for single-family development (but not for duplexes without a variance from the Board of Adjustment from the minimum 7,000 square foot requirement for duplex construction on a SF-3 lot). Proposed request does not affect SF-3-H zoning on original residential tract and lot 15.

CITY COUNCIL DATE:
October 28, 1999

ACTION:
Postpone to 11/18/99 (Vote 5-0;
Goodman and Lewis absent)

November 18, 1999

Change zoning from SF-3-H to SF-2
for lots 12-14, with small portion of
lot 14 to be SF-2-H with conditions.

ORDINANCE READINGS: 1ST 11/18/99 2ND 01/27/00 3RD 01/27/00

ORDINANCE NUMBER:

NEIGHBORHOOD ORGANIZATION: West End Austin Alliance
Old West Austin Neighborhood Association

CASE MANAGER: Barbara Stocklin

PHONE: 499-2414

BASIS FOR RECOMMENDATION: The three lots in question (lots 12 - 14) were zoned historic in 1974 along with lot 15 and adjacent 52,930 historic Smoot homestead to allow Heritage Society to develop a parking lot for the adjacent historic Smoot House to serve as a Historic House Museum. Given that the museum plans for the property have now been abandoned, that the main Smoot tract and house are now in separate ownership from lots 12 - 14, and that the three lots in question have little historic value on their own, there is no historically-based reason for retaining historic zoning overlay on these lots. Also, the three tracts do not provide access to the historic structure and, as such, should no longer be eligible for historic tax abatement (City Code Section 5-5-21).

PARCEL NO.: 01-0803-1168-0000

DEEDS RECORD: Vol 1999, p. 19115

TAX ABATEMENT: Pending.

APPRAISED VALUE: \$131,250 (Travis Central Appraisal District appraisal for three lots)

PRESENT USE: vacant land

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CONSTRUCTION/DESCRIPTION: NA

CONDITION: NA

PRESENT OWNERS

Heritage Society of Austin

ADDRESS

P.O. Box 2113, 78768

TELEPHONE

474-5198

DATE BUILT: NA; vacant land

DESIGNED BY: NA

BUILDER: NA

ARCHITECTURAL STYLE AND DISTINGUISHING CHARACTERISTICS: NA

ALTERATIONS/ADDITIONS: NA

ORIGINAL OWNER(S): NA

OTHER HISTORICAL DESIGNATIONS:

NATIONAL REGISTER: Yes

NATIONAL LANDMARK: No

RECORDED TEXAS LANDMARK: No

LOCAL SURVEYS: No

Historic Landmark Designation Criteria



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To be eligible for historic landmark status, a historic property must meet one or more of the following criteria:

- (1) Character, interest, or value as part of the development, heritage or cultural characteristics of the City of Austin, State of Texas, or the United States
- (2) Recognition as a recorded Texas Historic Landmark, a National Historic Landmark, or entered into the National Register of Historic Places
- (3) Embodiment of distinguishing characteristics of an architectural type or specimen
- (4) Identification as the work of an architect or master builder whose individual work has influenced the development of the city
- (5) Embodiment of elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural innovation
- (6) Relationship to other distinctive buildings, sites, or areas which are eligible for preservation according to a plan based on architectural, historic, or cultural motif
- (7) Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style
- (8) Archeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest
- (9) Exemplification of the cultural, economic, social, ethnic or historical heritage of the city, state or the United States
- (10) Location as the site of a significant historic event
- (11) Identification with a person or persons who significantly contributed to the culture and development of the city, state or United States
- (12) A building or structure that because of its location has become of value to a neighborhood, community area, or the city, or
- (13) Value as an aspect of community sentiment or public pride

C14H-99-0007 - LOTS 12, 13 AND 14 OF PRESSLER STREET, By: Heritage Society of Austin (Cynthia Brown), Pressler Street and West 6th Street (615, 701 and 703 Pressler Street). FROM SF-3-H TO SF-3. ALTERNATE RECOMMENDATION: SF-3-CO. City Staff: Barbara Stocklin, 499-2414.

DRAFT SUMMARY

Commissioner Baker announced that she would abstain from the discussion and vote, since she is a member of the Heritage Society.

Barbara Stocklin, Preservation Officer, reported that the request is to remove historic zoning from 3 lots; the entire historic property is comprised of lots 12, 13, 14, and 15 and an adjacent tract, and currently lots 12, 13, and 14 are vacant. The Smoot House is located on one tract with out buildings on lot 15, which will remain historic, but the three other lots are no longer needed for the house. The Heritage Society had planned on developing the House into a house museum. The additional vacant lots would have been needed for access and parking. The previous owner of the home, Ms. Jane Smoot has moved into the house. A barn, located primarily on lot 15, is partially located on lot 14 also. Staff recommendation would be to remove the historic designation from lots 12 -14, and that the entire barn retain historic zoning and to have a legal agreement executed between property owners before the 3rd reading of City Council, in order to resolve how the building will be accessed. The Historic Landmark Commission specified in their recommendation a 5-foot maintenance easement for the owner of the barn onto lot 14; additionally they support the staff recommendation.

APPLICANT PRESENTATION:

Richard Suttle, representative for the Heritage Society, reported that they agree with the staff recommendation. They asked that they be given the opportunity to discuss arrangements for easement access.

Commissioner Mather pointed out that according to the support material, they would agree to roll the properties back to SF-2, and suggested that they could do that now. Mr. Suttle responded that the commission has not given proper notice for that zoning change; the SF-2 was an offer by the applicants, if the entire neighborhood were to roll back to SF-2, then they would participate.

OPPOSITION PRESENTATION:

Denise Younger, a resident of 700 Pressler, voiced the neighborhood's concerns. They circulated a petition, which is valid, in the neighborhood. They would prefer the historic designation remain for the entire property. If removed it would set a

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precedent in the Clarksville area; it could offer the opportunity for a multi family development to occur on the site. Most of the area is zoned SF-3 or multi family, although Pressler Street only contains single family homes despite the zoning. The historic neighborhood should be preserved; the entire property is in the National Register.

Commissioner Cravey asked what purpose the SF-2 zoning would serve for the neighborhood; currently the lots are too small for a duplex. Ms. Younger stated that the Heritage Society suggested that if the neighbors were to rezone their property to SF-2, then they would follow, but they felt it was unfair for potential owners to be more restricted than others in the neighborhood.

Commissioner Mather wondered how many properties would possibly be rezoned to SF-2. Ms. Younger believes that besides the 2 lots on Pressler, all the other properties would need to be rezoned and requested that the rezoning be initiated by the City to remove the burden from neighbors.

Commissioner Heimsath clarified that two separate issues were at hand - to remove the historic designation, on the one hand, and the zoning roll back of the lots and other properties on Pressler. The only action that the commission could take would be on the removal of the historic designation.

Ms. Smoot, the owner of the home, spoke about her problems with the Heritage Society over the property. She would love for the house to become a house museum, but the Heritage Society has decided to not proceed with that development, therefore she has moved back into the house. She then provided a detailed summary of the history of the Smoot House and property.

The public hearing was closed.

Commissioner Heimsath made a motion to recommend approval of the staff recommendation, but clarified that an access agreement between the two owners should be sufficient. Commissioner Webb seconded the motion.

Commissioner Heimsath understands that a proposal for a museum house was planned for many years, but since those plans have fallen through, this is the best alternative.

Commissioner Webb noted that this is another flaw in the City's historic preservation; there are no monies to help preserve such projects. It is unfortunate, but the city cannot require a project without funds.

Commissioner Mather expressed her opposition to the motion and believed money should be found to help preserve the project.

Commissioner Cravey supports the house museum, but does not understand holding these lots for a potential parking lot instead of homes.

COMMISSION ACTION:
MOTION:

HEIMSATH/WEBB
RECOMMEND APPROVAL OF THE STAFF
RECOMMENDATION FROM SF-3-H TO SF-3
WITH CONDITIONS.

AYES:

HEIMSATH, WEBB, NAVARRO,
ROBERTSON, CRAVEY

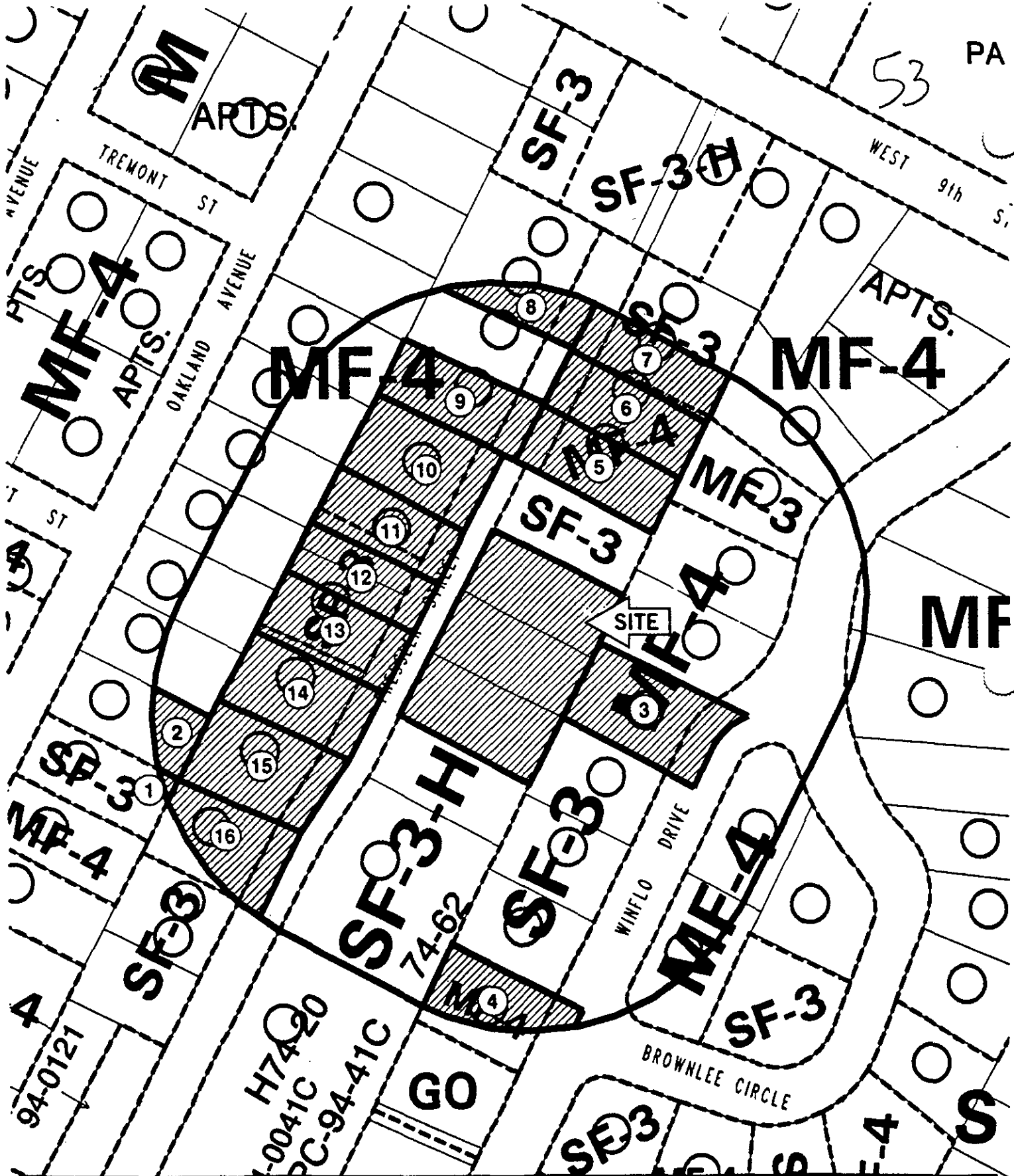
NAYS:

MATHER, ALMANZA

ABSTAIN:

BAKER, VRUDHULA

MOTION PASSED WITH A VOTE OF 5-2-2



53 PA
WEST 9th St

 1" = 100'	SUBJECT TRACT		PETITIONS		CITY GRID REFERENCE NUMBER H23
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14H-99-0007	DATE: 99-08	
	CASE MGR: B.STOCKLIN	ADDRESS: PRESSLER ST. & W.6TH ST	SUBJECT AREA (acres): 0.479	INTLS: TRC	

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PETITION

Case Number:

C14H-99-0007

Date:

Aug.2,1999

Total Area within 200' of subject tract: (sq. ft.)

240,671.00

1	01-0803-1105	Smith,D.	187.00	0.08%
2	01-0803-1106	Reifel,S.	2,115.00	0.88%
3	01-0803-1131	Bunda,J.	8,610.00	3.58%
4	01-0803-1135	Fenwick,L.	5,011.00	2.08%
5	01-0803-1146	Serrato,B.	6,289.00	2.61%
6	01-0803-1147	Birzer,B.	6,269.00	2.60%
7	01-0803-1148	Ramirez,S.	5,348.00	2.22%
8	01-0803-1151	Allred,M.	3,167.00	1.32%
9	01-0803-1153	Sidbury,J.	6,297.00	2.62%
10	01-0803-1154	Hofstee,H.	7,833.00	3.25%
11	01-0803-1155	Wilson,N.	5,653.00	2.35%
12	01-0803-1156	Younger,D.	5,153.00	2.14%
13	01-0803-1157	Hamlin,A.	6,264.00	2.60%
14	01-0803-1158	Garces,M.	7,075.00	2.94%
15	01-0803-1159	Garces,M.	7,851.00	3.26%
16	01-0803-1160	Garces,M.	5,834.00	2.42%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%
26				0.00%
27				0.00%
28				0.00%
29				0.00%
30				0.00%
31				0.00%
32				0.00%
33				0.00%
34				0.00%
35				0.00%

Validated By:

T.R.Castro

Total Area of Petitioner:

88,958.00

Total %

36.96%

A44.11

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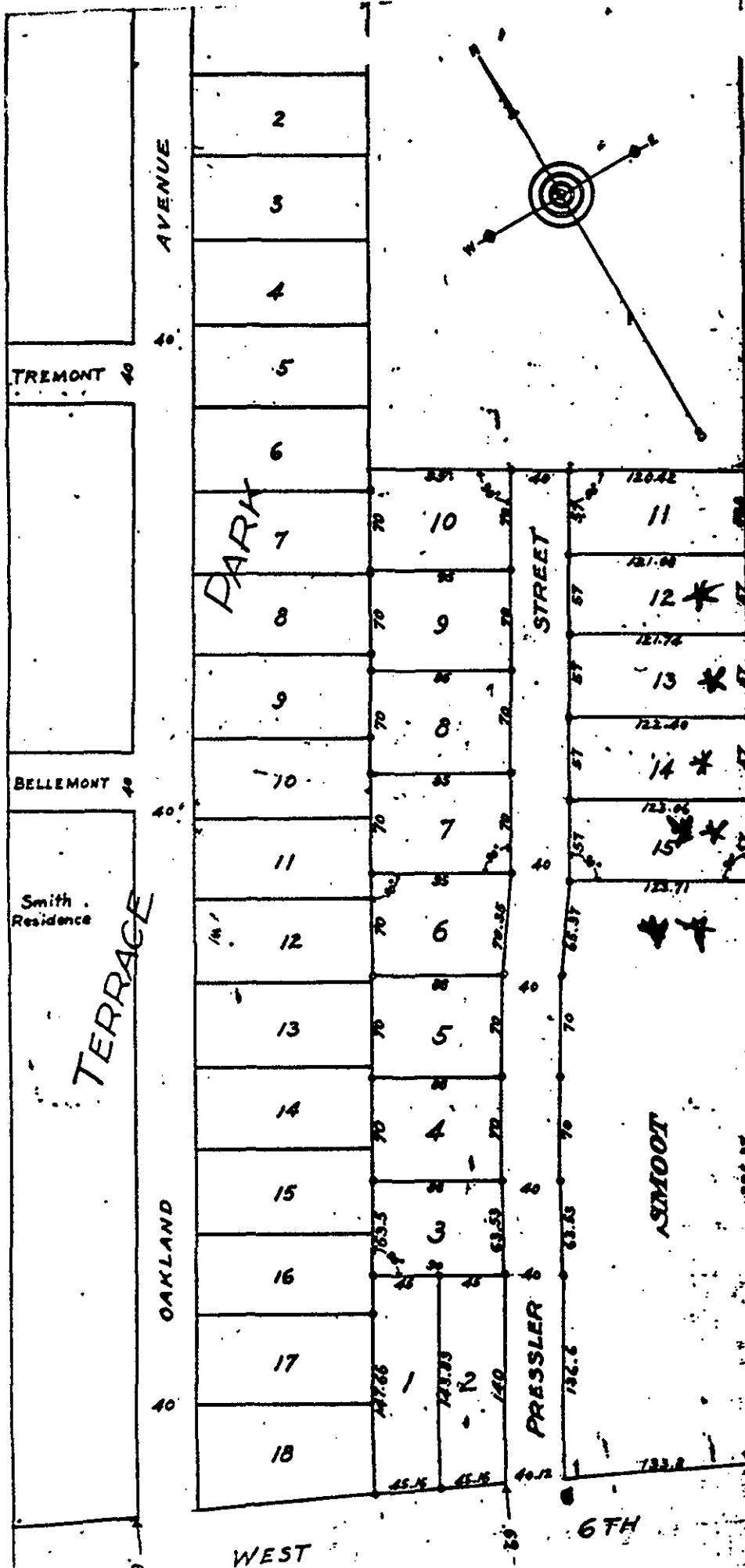
* =
Parcels
zoned with
"historic
overlay"

* =
Parcels proposed
to remain
with
"historic
overlay"

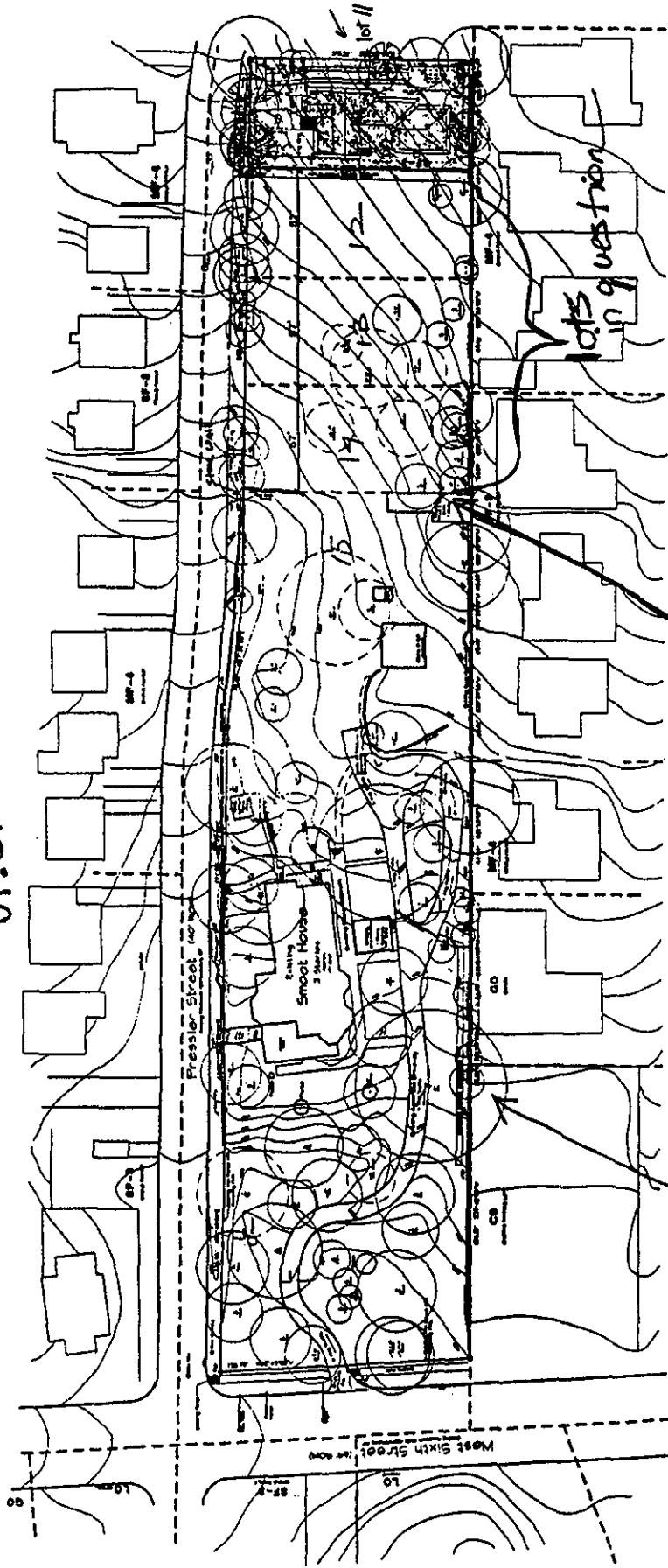
Map of a Subdivision of
Lot 5 in Outlot 3 of Division Z,
City of Austin, Texas
Made for L.K. Smoot - April 7, 1916
Book 515 - Page 42 Scale 1" = 100'
M.C. Welborn, City Engineer
By R.A. Muenster, Asst. Eng'r.

Signed: *Sally G. Smoot*
L. K. Smoot
Filed for Record:
May 29, 1916 at 12:18 P.M.
Recorded: June 20, 1916 at 4 P.M.
Plat Book 3 Page 42 of the Plat
Record Travis County, Texas

CITY OF AUSTIN		
City Engineer		
CAD.	DRAW.	NO.
2	F	726



B1.69



Original Homestead and
lot 15 to remain
SF-3-H

Historic
Barn

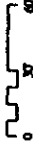
lots in question




NORTH

SITE PLAN

SCALE 1" = 30'



 <p>CITY OF AUSTIN PLANNING DEPARTMENT 1000 N. MOPAC EXPRESSWAY AUSTIN, TEXAS 78701 TEL: 512-975-3100 FAX: 512-975-3101 WWW.AUSTIN.TX</p>	<p>Project Name Project Number Project Location Project Date Project Status</p>	<p>The Smoot House at FLOWER HILL 1316 West 6th Street Austin, Texas Site Plan, Landscape and Irrigation Plan</p>	<p>Location Map N.T.S.</p>
--	---	--	--------------------------------

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611 Oakland Ave.
Austin TX 78703
August 19, 1999

Barbara Stockton
Development Review and Inspection Dept.
City of Austin
PO Box 1088
Austin TX 78767--8835

Re: File No. C14H-99-007

Dear Ms. Stockton:

I recently signed my name to a petition opposing the proposed zoning change for Lots 12, 13, and 14 of the Smoot Subdivision. After further reflection and discussions with both Ms. Jane Smoot and the Heritage Society, I have changed my mind on this issue.

I no longer oppose the proposed removal of the "H" historic designation from those lots. Please remove my name from the petition opposing the change.

Thank you for your kind attention to this matter. If any questions should arise, I can be reached at the above address or by telephone at 457-0100.

Sincerely,


David N. Smith

A44.17

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STATEMENT OF PURPOSE
CONCERNING LOTS 12, 13, & 14 – PRESSLER STREET
Heritage Society of Austin

The Heritage Society of Austin is applying to remove the historic overlay zoning on three vacant lots located on Pressler Street (Lots 12, 13 & 14 in the Smoot Subdivision of West Austin), while retaining the SF-3 designation.

The original subdivision of these three lots took place in 1916, as recorded in the Plat Record for Travis County. We believe that these lots received the historic overlay designation because of their association with the Flower Hill complex, not because of any historic integrity associated with the lots themselves.

Since 1973, the Heritage Society of Austin owned the Flower Hill property, donated to the Society by Ms. Jane Smoot. Over the years, the Society participated in the care and preservation of Flower Hill, which represented a large financial commitment on our part. In April of 1999, we entered into an agreement with Ms. Smoot to allow her to once again own her ancestral home and most of the land associated with the building.

As part of the financial settlement of this agreement, the Heritage Society received the three vacant lots on the North side of the Flower Hill property as well as the ownership of the cottage built at 803 Pressler. The Heritage Society is now in the process of selling the cottage and the three lots. Ms. Smoot fully supports this sale and has stated that she is not aware of any historic or archeological significance attached to these individual lots.

An archeologist from the Texas Historical Commission has visited the lots and offered his opinion that the potential for artifacts is low as the land still retains its natural slope. Terracing, such as that seen on Lot 15 behind Flower Hill, has not occurred on these three land parcels. And there are no associated outbuildings, or remnants of outbuildings, found on these three lots.

Furthermore, the Heritage Society has checked all available Sanborn maps for Austin to validate that historic buildings or outbuildings were not located on these three lots.

We have also appeared before the Old West Austin Neighborhood Association to discuss our plans to sell the lots and the cottage at 803 Pressler and are currently in the process of providing the neighborhood with more information regarding the sale.

Our programs have a direct impact on the Austin community at large. The Heritage Society of Austin is committed to growing our program activities, such as our loan program, but we need the funds, not land ownership, to support our initiatives. We believe it is reasonable to sell these lots without the historic overlay zoning and that doing such will benefit the neighborhood by adding the stability of three single-family residences on the street.

RECENT TIMELINE OF FLOWER HILL

- 1973** Miss Jane Smoot deeded the Flower Hill property to the Heritage Society of Austin (HSA), retaining a life estate.
- 1973-
April 1997** Miss Smoot lived at Flower Hill, and the Heritage Society paid for all exterior maintenance, major repairs, and property taxes. HSA had limited access to the property during this period. HSA's commitment to the preservation of this historic site represented an investment of over \$1 million dollars.
- April 1997** The agreement changed on April 28, 1997 when Miss Smoot moved into the cottage at 803 Pressler Street, built for her by HSA. HSA moved its offices to Flower Hill improving the upstairs sleeping porch and two other rooms. Work began in earnest on the cataloging of furnishings and other collections, and consultants were hired to implement the museum and funding plans.
- 1998** A report of museum consultant Conover Hunt questioned the financial and curatorial feasibility of a house museum at Flower Hill without a significant endowment.
- Fall 1998** After studying the consultant's report for four months, it was understood that to make Flower Hill a house museum, HSA should proceed in small steps that would allow income-producing uses in conjunction with the museum plan. The Heritage Society Board of Directors asked Miss Smoot to consider an alternative use for the house during restoration and fundraising.
- Oct. 1998** Miss Smoot's attorney notified the Heritage Society of her desire to have the house returned to her ownership and occupancy. Miss Smoot and the Heritage Society (and their respective legal counsel) worked out an agreement whereby, among other things, Miss Smoot received the return of the Main Property (which includes the house) and Lot 15, and the Heritage Society, in consideration of its financial contribution over the years, received the Cottage and Lots 12, 13, and 14 on Pressler Street.
- April 1999** Both parties agreed to support the removal of the historic overlay zoning on Lots 12, 13 & 14. As the person who knows the most about the history of this property, Miss Smoot represented to the Heritage Society that to her knowledge there is no historical significance to Lots 12, 13 & 14. The Heritage Society plans to sell the lots for responsible development consistent with the existing single-family zoning.

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 Administrative Manager

A44.19
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July 15, 1999

Mark Denton
 Archeologist, Director of State and Federal Review
 Texas Historical Commission
 P.O. Box 12276
 Austin, TX 78711-2276

Dear Mark:

Please find attached the cultural resources assessment recently completed by Melissa Voellinger regarding Lots 12, 13, and 14 on Pressler Street in Austin, owned by the Heritage Society of Austin. Also attached is a copy of the National Register nomination for the Flower Hill property adjacent to these lots as well as the 1921 and 1935 Sanborn maps showing Lots 12, 13, and 14 in relation to the Flower Hill residence.

After the site visit that you and I made to these lots on June 2nd, 1999, the Heritage Society of Austin hired Melissa Voellinger to examine the likelihood of finding significant cultural resources on this property. Based on discussion between you and I at this site visit, and based on Melissa's conclusions regarding the extremely low probability of finding significant cultural resources on Lots 12, 13, and 14, do you not concur that the sale and subsequent development of these three land parcels would not impact significant cultural resources? The Heritage Society of Austin understands that the state has no jurisdiction over this land.

Thank you for your consideration of this matter.

Best regards,

Julie C. Morgan
 Julie C. Morgan
 Interim Executive Director

NO SURVEY REQUIRED	
PROJECT MAY PROCEED	
by	<i>William A. Wright</i>
for F. Lawrence Oaks	
State Historic Preservation Officer	
Date	<i>7/15/99</i>

HERITAGE
 SOCIETY OF
 AUSTIN
 P.O. BOX 2113
 AUSTIN, TEXAS 78768
 512-474-5198
 FAX 512-474-5199

A44.20
530

Cedar Valley Environmental Services
10112 Circle Drive
Austin, Texas 78736
Telephone: (512) 288-3365
FAX (512) 288-3365

July 14, 1999

Julie C. Morgan
Interim Executive Director
Heritage Society of Austin
P.O. Box 2113
Austin, Texas 78768

**Re: An assessment of the Archaeological potential of lots 12-14 on Pressler Street
in the Smoot Subdivision of West Austin. CVES Job Number 99003**

Dear Miss Morgan:

In July of 1999, Cedar Valley Environmental Services (CVES) was contracted by the Heritage Society of Austin, Texas to conduct an assessment of the archaeological potential of three vacant lots (12, 13, and 14) on Pressler Street in the Smoot Subdivision of West Austin. These lots are associated with the Flower Hill complex which was designated a Recorded Texas Historic Landmark in 1965, a City of Austin Landmark in 1975, and listed on the National Register of Historic Places in 1982. The lots currently have an historic designation because of their association with the Flower Hill complex, not because of any known historic associations of the lots themselves. CVES understands that the purpose of this study is to enable the removal of the historic overlay zoning on these three lots while retaining their single family "SF-3" zoning designation.

This study included an on site visit, a review of pertinent files and oral histories available at the Heritage Society, a conversation with a staff member at the Texas Historical Commission, and a review of Sanborn Fire Insurance Maps at the Center for Texas History at the University of Texas, Austin, the records at Texas Archeological Research Laboratory, J. Jake Pickle Research Center, University of Texas at Austin, and the library of CVES.

The three lots are part of a five-acre tract of land purchased in 1877 by Dr. and Mrs. Richmond K. Smoot from James H. Raymond¹. At the time of purchase, the land was situated one mile west of town (Austin) on Pecan (now Sixth) Street. In 1877, the Smoots contracted to have a house built on the property. Numerous outbuildings were associated with the house; however, according to Jane Smoot, a granddaughter of Richmond Smoot, lots 12, 13 and 14 have no known historical or archeological

¹ *A Preservation Maintenance Plan for the R.K. Smoot Home*. Prepared for the Heritage Society of Austin, Inc. by Bell, Klein and Hoffman, August, 1980.

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significance and were zoned historic only because of their common ownership with the main property². Miss Smoot was born in 1919 and has lived on the property all of her life. The three lots were used as pasture by various types of livestock resident on the property over the years³. Additional land, contiguous to the five acres, was purchased, and additions and alterations were made to the house and out buildings at various times throughout the years of ownership by the Smoot family⁴. A review of Sanborn Fire Insurance Maps dated 1921, 1935 and 1959 indicates that no structures are present on lots 12, 13 and 14 on those dates.

The lots were also considered for their potential for containing prehistoric archaeological sites. The lots occupy a slope of a dissected Colorado River terrace. Terracing, such as that seen on Lot 15, behind Flower Hill, has not occurred on these three land parcels⁵. An ephemeral spring, located west of the Flower Hill house and southwest of the three lots, was dammed by Dr. Smoot forming a small recreational lake on the property. When a neighbor complained about malaria, Dr. Smoot had the "front hill cut abruptly on the perpendicular, thus destroying the dam, letting the springwater run free as a creek down the middle of what is now Pressler Street. It crossed Sixth Street on the diagonal eastward and flowed on to the [Colorado] River.⁶ When Dr. Smoot's son, Lawrence K. Smoot, gave the land for Pressler Street to the City, the little creek was put into a six-foot stormsewer down the middle of the street, across Sixth Street, through the low-level lots east of the property, and on to the river (now Town Lake). This construction is likely to have affected the integrity of any archaeological materials that could have been associated with the spring. Additionally, since lots 12, 13 and 14 are located on a sloping surface, they are not considered to be high probability areas for containing archaeological sites.

The original subdivision of the property, recorded as the Smoot Subdivision of West Austin took place in 1916, as recorded in the Platt Record for Travis County.⁷ This subdivision included the formation of lots 12, 13, and 14. The Flower Hill lot consists of approximately 1.7 acres. An adjacent lot (Number 15) to the north will be retained by Miss Smoot as part of Flower Hill.⁸

The area of the three lots 12, 13, and 14, reveal a low probability for the recovery of historical archaeological remains. There are no known associated outbuildings, or remnants of outbuildings, present on these three lots. The review of existing records including the Sanborn Fire Insurance Maps did not reveal the location of any historic

² Legal Agreement between the Heritage Society of Austin and Miss Jane Smoot, 1999.

³ *The History of the R.K. Smoot Home with Descriptions and Inventory of its Contents*, Jane Smoot, July 1968. Manuscript, on file the Heritage Society of Austin.

⁴ National Register of Historic Places Inventory—Nomination Form, Smoot, Richmond Kelly, House. Prepared by Peter Flagg Maxson and Mary Margret Albright, 1980.

⁵ *Statement of Purpose Concerning Lots 12, 13, & 14 – Pressler Street*, Julie Morgan, Heritage Society of Austin, July 1999.

⁶ *The History of the R.K. Smoot Home with Descriptions and Inventory of its Contents*, Jane Smoot, July 1968. Manuscript, on file the Heritage Society of Austin.

⁷ Travis County Deed Records, April 17, 1916, Book 515, Page 42.

⁸ *Statement of Purpose Concerning Lots 12, 13, & 14 – Pressler Street*, Julie Morgan, Heritage Society of Austin, July 1999.

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structures associated with Flower Hill on these lots. The area surrounding the spring has been completely destroyed by the construction of Pressler Street. Therefore, the potential for prehistoric artifacts on the three lots is low. as the land still retains its natural slope.

If you have any questions or require additional information, please do not hesitate to contact CVES.

Sincerely,
Cedar Valley Environmental Services

Melissa W Voellinger

Melissa W. Voellinger, R.P.A.
Chief Executive Officer

PETITION TO OPPOSE THE PROPOSED ZONING CHANGE ON LOTS #12, #13, #14 OF THE SMOOT SUBDIVISION

The homeowners in the Pressler St neighborhood and surrounding neighborhoods **OPPOSE** changing the zoning of lots 12,13 and 14 from SF3-H to SF3 for the **FOLLOWING REASONS:**

Changing the zoning will set a bad precedent for other historic properties in Austin.

The City of Austin's definition for Historic designation is: "Historic is intended to protect, enhance, and perpetuate historic landmarks, which represent distinctive elements of architectural, archeological, cultural, social, ethnic, economic, and political history." The Smoot Estate (Flower Hill) is the only original house in Austin still preserved in its original state which has a decendent of the Smoot family living on the property. The lots and the house were given historic designation under this defination.

Changing the zoning would significantly affect the feasability of maintaining a house museum at Flower Hill.

The limited space of land available without those lots would not allow for the facilities needed to maintain the house as a museum. Also separating the remaining land from the estate would be in opposition to the historic designation that is supposed to "protect, enhance and perpetuate historic landmarks."

Changing the zoning will open up the possibility of having dwellings other than single family.

High density developement would significantly strain an already strained street. Pressler St is already a sub-standard street that narrows to a single lane at W. 9th St. The additional dwellings will increase traffic on an already busy street. Having parked cars on both sides of the street would make Pressler almost impossible to navigate.

Quality of life will be affected.

The people on Pressler and surrounding streets are concerned about the affects mentioned above on their quality of life. The neighborhood is currently a very desirable area to live in so thoughtful consideration should be given to development and its impact on the neighborhood.

WHAT WE WOULD LIKE TO SEE HAPPEN:

This land be utilitized to benefit the neighborhood and the citizens of Austin.

This means maintaining the historic value of this land while other alternatives are sought to preserve it.

A cooperative effort between the neighbors, the City of Austin, the Heritage Society and OWANA to reach a solution that will minimize any negative impacts on each group.

Petition for preserving historic zoning of lots 12, 13 & 14 on Pressler St.

Printed Name	Address	Zip Code	Phone	Signature
Frieda Pangestu	704 Pressler St.	78703	512 479-7444	Frieda Pangestu
Denise Younger	700 Pressler St.	78703	474-8119	Denise Younger
Brian Birrer	807 Pressler	78703	708-0854	Brian Birrer
Janine Lisa	807 Pressler St.	78703	708-0952	Janine Lisa
MARK ALLRED Mark Allred	802 Pressler	78703	477-9118	Mark Allred
HANDEE ALLRED	802 PRESSLER	78703	477-9118	HANDEE ALLRED
Peter Hofsdee	704 Pressler St.	78703	479-7044	Peter Hofsdee
Jim Sidbury	710 Pressler St.	78703	478-2756	Jim Sidbury
Astrid Osmann	710 Pressler St.	78703	478-2756	Astrid Osmann

Petition for preserving historic zoning of lots 12, 13 & 14 on Pressler St.

Printed Name	Address	Zip Code	Phone	Signature
JUDITH S BROWN	1407 W 9TH ST	78703	474-4840	Judith S Brown
LAWRENCE F. ROUSH	409 W 9TH ST	78703	469-9661	LAWRENCE F ROUSH
William M. Casale	" " "	" "	" "	William M. Casale
Rosemary L Brown	1407 1/2 W 9TH	78703	482-0313	Rosemary L Brown
LUCIA MCKAY	811 PRESSLER ST	78703	474-2911	LUCIA MCKAY
Bernard D. Brown	1407 W. 9TH ST	78703	474-4840	Bernard D. Brown

X

X

X

X

X

Petition for preserving historic zoning of lots 12, 13 & 14 on Pressler St.

Printed Name	Address	Zip Code	Phone	Signature
Rie Nakanishi	604-B Pressler St. Austin, TX 78703		512-788-8180	Rie Nakanishi
Flemming Andersen	604B Pressler St	78703	(512) 708-8180	Flemming Andersen
ANDREW HAMLEN	616 PRESSLER ST.	78703	512- 478-0727	Andrew Hamlen
Mike C Ramsey	809 Pressler	78703	472-2812	Mike C Ramsey
Jeane Ramiree	809 Pressler	78703	472-2812	Jeane Ramiree
Nancy Wilson	702 Pressler	78703	478-0907	Nancy Wilson
Sutton Page	702 Pressler	78703	478 0907	Sutton Page
John Bartley	609 Oakland	78703	472-2123	John Bartley

Petition for preserving historic zoning of lots 12, 13 & 14 on Pressler St.

Printed Name	Address	Zip Code	Phone	Signature
ALAN GERHARDT Alan Gerhardt	8049 Winflo Driv ^l	78703		
JAY BUNDY	706 WINFLO DR	78703		Jay Bundy
JOEY DAWSON	700 WINFLO	78703		
Laura Fenwick	614 Winflo	78703		Laura Fenwick
Jim Butler	612-B Winflo	78703		Jim Butler
Mrs. F.W. Maus	716 Brownee Cir ^l	78703		Mrs. F.W. Maus
Melodie Krane	712 Brownee Cir	78703		Melodie Krane
JOHN B. LAY	712 Brownee Cir	78703		John B. Lay
Michelle Oliver	715A Brownee Cir	78703		Michelle K. Oliver


Petition for preserving historic zoning of lots 12, 13 & 14 on Pressler St.

Printed Name	Address	Zip Code	Phone	Signature
Anne Morris	607 Oakland Ave.	78703		Anne Morris
Rick Moore	609 Oakland	78703		Pickmore
David Smith	611 Oakland Ave	78703	320-8625	David Smith
STUART REIFER	613 OMLAND AVE	78703	474-2149	Stuart Reifer
Courtney Young	704 Oakland Ave	78703	587-6435	Courtney Young
Sam Fadd	700B Oakland	78703	454-3541	Sam Fadd
Brian Orr	605 Oakland	78703	481-0535	Brian Orr

Petition for preserving historic zoning of lots 12, 13 & 14 on Pressler St.

Printed Name	Address	Zip Code	Phone	Signature
Holly Parish	809 Winflo #111	78703	476-6945	Holly Parish
Don Smith	610 612 Pressler	78703	4596837	Don Smith
YVONNE CULLINAN	606 PRESSLER	78703	474-6352	Yvonne Cullinan
Christopher Rankin	606 Pressler	78703	474-6352	Christopher M. Rankin

Petition for preserving historic zoning of lots 12, 13 & 14 on Pressler St.

Printed Name	Address	Zip Code	Phone	Signature
X Kathy Benayoun	804 Pressler	78703	482-8389	
x Claude Benayoun	804 Pressler	78703	482-8389	C Benayoun
/ Ben Savato	805 Pressler	78703	479-6439	B. Savato

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You may send your written comments to the Historic Landmark Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0007-BS Historic Landmark Commission Hearing Date: June 28, 1999

Name (please print) HOPSTEE ☐ I am in favor

Address 704 PRESSLER ST. ☒ I object

LOCATION: City Council Chambers, 397 West Second Street, Austin

You may send your written comments to the Historic Landmark Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0007-BS Historic Landmark Commission Hearing Date: June 28, 1999

Name (please print) DORIS H. WARLICK ☐ I am in favor

Address 804 PRESSLER ☒ I object

Copied
[Signature]

July 18th 1999;

53

I object; because of what
is a daily problem on Oakland Ave
that is: cars parked up against
the curb on both sides; leaving
one center small drive through area
See the red marked area over; this
should become a parking lot that
the city owns to get these cars
off the street. This is the reason
for the; (No estoy de acuerdo), or
I object, in English. Ms. Jane S. taught
English in school; she should know
better than to try this on Pressler
Street. Ms. Jane; go on to Scotland or
the U.K.; where your people are
from; you remember all those color
photographs on the wall in senior English
I want ~~this house~~ demolished or moved.
There is no driveway. Park off the street

53

You may send your written comments to the Planning Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0007-BS

Planning Commission Hearing Date: September 14, 1999

Name (please print) Sutton Page / Nancy Wilson

Address 702 Pressler Austin TX 78703

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

[Handwritten signature]

You may send your written comments to the Planning Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0006-BS

Planning Commission Hearing Date: July 27, 1999

Name (please print) Nancy Wilson

☐ I am in favor
(Estoy de acuerdo)

Address 702 Presler Austin TX 78703

☒ I object
(No estoy de acuerdo)

1

You may send your written comments to the Planning Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0006-BS

Planning Commission Hearing Date: July 27, 1999

Name (please print) KEVIN J. DUNN

☐ I am in favor
(Estoy de acuerdo)

Address 1112 W. 11th St. APT 102

☒ I object
(No estoy de acuerdo)

AUSTIN, TX 78703

1

You may send your written comments to the Planning Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0006-BS

Planning Commission Hearing Date: July 27, 1999

Name (please print) DORIS H. WARLICK

Address 804 PRESSLER

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

1

You may send your written comments to the Planning Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0006-BS

Planning Commission Hearing Date: July 27, 1999

Name (please print) H.P. HOFSTEE

Address 704 PRESSLER ST.

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

1

You may send your written comments to the Planning Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0006-BS

Planning Commission Hearing Date: July 27, 1999

Name (please print) (Miss) Jane Smoot

Address 607 PRESSLER Street

- ☒ I am in favor
(Estoy de acuerdo)
☐ I object
(No estoy de acuerdo)

Residence: 1316 W. 6
(Same home)

78703-5125

1

MAILING:

on corner of
W. 6 & Pressler

You may send your written comments to the Historic Landmark Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0007-BS Historic Landmark Commission Hearing Date: July 26, 1999

Name (please print) Nancy Wilson

☐ I am in favor

Address 702 Pressler Austin, TX 78703

☒ I object

You may send your written comments to the Historic Landmark Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0007-BS Historic Landmark Commission Hearing Date: July 26, 1999

Name (please print) Denise Younger

☐ I am in favor

Address 700 Pressler

☒ I object

LOCATION: City Council Chambers, 307 West Second Street, Austin

You may send your written comments to the Historic Landmark Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0007-BS Historic Landmark Commission Hearing Date: July 26, 1999

Name (please print) MARK ALLRED

☐ I am in favor

Address 802 Pressler

☒ I object

53

You may send your written comments to the Planning Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0006-BS

Planning Commission Hearing Date: July 27, 1999

Name (please print)

Denise Younger

Address

700 Boxler

☐ I am in favor
(Estoy de acuerdo)

☒ I object
(No estoy de acuerdo)

You may send your written comments to the Historic Landmark Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0007-BS Historic Landmark Commission Hearing Date: June 28, 1999

Name (please print) HOPSTEE ☐ I am in favor

Address 704 PRESSLER ST. ☒ I object

LOCATION: City Council Chambers, 307 West Second Street, Austin

You may send your written comments to the Historic Landmark Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0007-BS Historic Landmark Commission Hearing Date: June 28, 1999

Name (please print) DORIS H. WARLICK ☐ I am in favor

Address 804 PRESSLER ☒ I object

Copied
[Signature]

July 18th 1999;

53

I object; because of what
is a daily problem on Oakland Ave
that is; cars parked up against
the curb on both sides; leaving
one center small drive through area.
See the red marked area over; this
should become a parking lot that
the city owns to get these cars
off the street. This is the reason
for the; (No estoy de acuerdo), or
I object, in English. Ms. Jane S. taught
English in school; she should know
better than to try this on Pressler
Street. Ms. Jane; go on to Scotland or
the U.K.; where; you people are
from; you remember all those color
photographs on the wall in senior English?
I want ~~this house~~ demolished or moved;
because there is no driveway for the residents
to park off the street.

53

TO: HISTORIC LANDMARK COMMISSION
 FROM: H. PETER HOFSTEE
 704 PRESSLER ST.
 AUSTIN TX 78703

July 21 '99

L.S.,

A brief explanation of why I oppose the zoning change:

- ① It reduces the viability of a house-museum or other options preserving this unique piece of historic property. It is odd that a society for historic preservation should carve up a piece of Austin's history.
- ② Pressler is a narrow street, almost a dead-end given the very narrow entrance on 9th. Further developments will exceed the street's capability.

Sincerely,



H. Peter Hofstee

You may send your written comments to the Historic Landmark Commission Assistant, Development Review and Inspection Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14H-99-0007-BS Historic Landmark Commission Hearing Date: July 26, 1999

Name (please print) H. P. HOFSTEE

Address 704 PRESSLER ST. AUSTIN, TX 78703

☐ I am in favor

☒ I object

July 2, 1999

City of Austin Development Review and Inspection Department
Historic Landmark Commission
301 West Second Street
Austin, Texas 78701

re: C14H-99-0007

Dear Members:

Approving this rezoning plan by the Heritage Society of Austin that will sever a large and important tract that was once part of the Smoot residence will irrevocably and forever destroy the feasibility of conserving the Smoot residence as an historic attraction as originally intended by Ms. Jane Smoot and the Heritage Society. Any rezoning precludes the opportunity for another organization from carrying out Ms. Smoot's desire to share with the people of the City of Austin and others a unique heritage that truly deserves preservation.

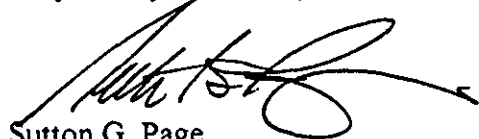
It is not clear to any of the area neighbors why the Heritage Society suddenly finds the project unworkable. We are informed that a "consultant" from Dallas indicated that the 'project cannot work'. I would have expected the Heritage Society to have conducted a feasibility study before they entered into a contract with Ms. Smoot. Certainly the Heritage Society has not demonstrated appropriate stewardship in this case. After all of these years the project is not feasible? Does the Heritage Society have an agenda that is clearly not in the best interest of the neighborhood or the City of Austin.

Historic properties in downtown Austin are fairly common, but precious few are the size and importance of the Smoot residence. It must be preserved.

From the Pressler Street perspective development would increase traffic and pose serious parking problems that are already strained. Allowing duplexes would only make the situation worse.

In closing, rezoning preempts any future opportunity to preserve the Smoot residence as a unique piece of Austin's history, and the two lots are central to a preservation plan. Additionally the increased traffic and parking problems must also be considered. Rezoning and the loss it will create is simply not worth it.

Respectfully submitted,



Sutton G. Page
702 Pressler Street
Austin, Texas 78703
H: 478-0907
O: 477-7247
F: 4778152
eMail: aabc@realtime.net

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607 Pressler Street
Austin, Texas 78703-5125
June 29, 1999

Ms. Lauretta Dowd
Landmark Commission
6328 Clarion Drive
Austin, Texas 78749

Dear Ms. Dowd:

Because I did not receive the official notice about time and place of of the Landmark Commission meeting, I am writing as concisely as possible about this complicated situation to make clear my position regarding the request of the Heritage Society of Austin to remove historical designation from their lots 12, 13, and 14 of the Smoot Subdivision.

To trace the background of the situation briefly, I present these facts:

-- On August 14, 1973, I turned my family home property (except for Lot 11) by formal legal contract to the Heritage Society for them to develop a house museum estate of Flower Hill that my grandfather Dr. Richmond Kelley Smoot had bought in 1876 and where he had built his home (1316 West Sixth St.) in 1877. For twenty-five years through many ups and downs and changes in the Heritage Society, I held on with determined confidence in their intentions. Since I have no descendants and no siblings, I believed completely that the place would be an asset to Austin preserved as one of the last of the old homes and that the HSA was the most trustworthy developer to preserve it.

-- In 1996-1997 the HSA built the cottage at 303 Pressler designed for me on MY lot no. 11, WHICH I GAVE TO THEM AT THAT TIME FOR THE PURPOSE of moving me out of the main house at Flower Hill so that the Society could use the entire house to develop the house museum. I was very happy about this progress (I thought it was) and thoroughly enjoyed and appreciated the cottage for the two years I lived there (April 28, 1997-April 28, 1999.) When I moved there, I felt every confidence that I would live there the rest of my life.

-- When the HSA chose to move its offices from the Driskill Hotel to Flower Hill, I was even more happily excited, for I believed it more progress.

-- In early June of 1998, shortly after the annual business meeting of HSA President Cindy Brown visited me at the cottage (303 Pressler) and told me that the HSA no longer wanted to try to develop Flower Hill as a house museum and wanted me to store all of my possessions left in the house for the museum so that they could rent out most of the rooms for offices. I refused and reminded her of the legal contract requiring HSA to develop the house museum OR to return the property to me. So the legal conferences and negotiations began.

-- By April of 1999 HSA and I reached agreement for settlement of the disputes: the return of the major portion of the original Smoot property to me (from West Sixth Street back through Lot 15) and my relinquishment of my Life Estate in Lots 12, 13, and 14 for sale as single family dwellings. I agreed with their judgment that separation of these lots from the original historic property was a logical reduction of the historic connection of the three lots-- just as Lot 11 (the site of 303 Pressler) had never been classified historic.

-- The collapse of the long-held goal of developing the Smoot place into a beneficial house museum estate for the citizens of Austin is a deeply sad disappointment to me personally. I have returned to my family home to do my best to maintain the place in an appropriate atmosphere as the last of the old HOMES in Austin (not the oldest, not the most impressive, but the last HOME from the early days still occupied by the same family that built it.)

I shall appreciate your giving a copy of this letter to every member of the Landmark Commission and your reading it at the next meeting of your group. Thank you so very much for your care in this matter.

Sincerely, *James Smoot*

ARMBRUST BROWN & DAVIS, L.L.P.

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE SUITE 1300
AUSTIN, TEXAS 78701-4842
(512) 435-2300

TELECOPIER (512) 435-2300

RICHARD T. SUTTLE, JR.
435-2310
EMAIL RSUTTLE@ABDLAW.COM

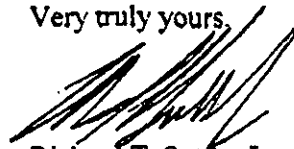
October 18, 1999

VIA TELECOPY 499-2269Ms. Alice Glasco, Director
Development Review & Inspection
City of Austin
301 West 2nd St., 2nd Floor
Austin, Texas 78701RE: Historic Zoning Case No. C14H-99-0007 - Lots 12-14 Smoot Addition, Pressler St.
Heritage Society of Austin; Our File No. 41995.0101

Dear Alice:

I represent and am writing to you on behalf of the owner of the property subject to the above-referenced zoning case. The owner hereby requests a postponement of the public hearing until November 18, 1999. Thank you for your attention to this matter and if you have any questions or comments, please do not hesitate to contact me.

Very truly yours,



Richard T. Suttle, Jr.

cc: Ms. Barbara Stocklin (TELECOPY 499-2709)
Ms. Julie Morgan, Heritage Society (TELECOPY 474-2125)

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GRAVES, DOUGHERTY, HEARON & MOODY

A PROFESSIONAL CORPORATION

515 CONGRESS AVENUE

SUITE 2300

AUSTIN, TEXAS 78701

(512) 480-5600

FAX: (512) 478-1976

OTHER LOCATION:

KERRVILLE

WRITER'S DIRECT NUMBER:

(512) 480-5636

E-MAIL ADDRESS:

cheidrick@gdhm.com

MAILING ADDRESS:

POST OFFICE BOX 98

AUSTIN, TEXAS 78767

November 29, 1999

RECEIVED

11-30-99

Ms. Julie Morgan
Heritage Society of Austin, Inc.
1711 Rio Grande
Austin, Texas 78768

Re: Heritage Society; Flower Hill Property

Dear Julie:

Enclosed please find a copy of the Easement Agreement as recorded in the Real Property Records of Travis County, Texas.

Best regards.

Very truly yours,

GRAVES, DOUGHERTY, HEARON & MOODY
A Professional Corporation

By:


Clarke Heidrick

RCH/sm

Enclosure

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EASEMENT AGREEMENT

This Easement Agreement (this "Agreement") is executed November 17, 1999 by and between the Heritage Society of Austin, Inc., a Texas non-profit corporation ("Heritage") and Jane Smoot, a resident of Travis County, Texas ("Miss Smoot"), the parties agree as follows:

1. Recitals.

(a) Heritage is the owner of Lot Fourteen (14) in the Smoot Subdivision, in Outlot 3, Division "Z", City of Austin, Travis County, Texas according to the plat of the Smoot Subdivision recorded in Volume 3, Page 42, Plat Records of Travis County, Texas ("Lot 14");

(b) Miss Smoot is the owner of Lot 15 in the Smoot Subdivision in Outlot 3, Division "Z", City of Austin, Travis County, Texas, according to the plat of the Smoot Subdivision recorded in Volume 3, Page 42, Plat Records of Travis County, Texas, ("Lot 15");

(c) Lots 14 and 15 are more particularly reflected on the survey a copy of which is attached as Exhibit A to this Agreement (the "Survey");

(d) the Survey reflects the existence of a wooden barn located primarily on Lot 15 (the "Barn"), a portion of which extends over the lot line dividing Lot 14 and Lot 15 onto a portion (the "Lot 14 Barn Location") of Lot 14 as more particularly shown on the Survey;

(e) Heritage and Miss Smoot desire to confirm their agreements with respect to the Barn and certain easement rights and obligations of Heritage and Miss Smoot with respect to the same; and,

(f) each of the parties acknowledges that each has given and received good, sufficient, valuable and present consideration to support each of the obligations of the parties under this Agreement.

2. Grant by Heritage of Easement for Encroachment of Barn. Heritage, on behalf of itself and all future owners of Lot 14, grants to Miss Smoot, and all future owners of Lot 15, an easement on the Lot 14 Barn Location for the purpose of continuing the location of the Barn on the Lot 14 Barn Location. Neither Heritage nor any future owner of Lot 14 will have the right to require the Barn to be relocated or moved from the Lot 14 Barn Location or assert any claims against the owner of Lot 15 with respect to the encroachment of the Barn onto the Lot 14 Barn Location.

3. Grant By Heritage of Maintenance Easement. In addition to the easement granted under Section 2 above, Heritage, on behalf of itself and all future owners of Lot 14, hereby grants to Miss Smoot, and all future owners of Lot 15, the right of access onto that portion of Lot 14 located within five feet of the Barn (the "Maintenance Area") solely for the purpose of maintaining and repairing the Barn, and agrees that the owner of Lot 14 shall not be entitled to construct any fence or other structure on the Maintenance Area which unreasonably interferes with the use by the owner

of Lot 15 of this easement. The rights of the owner of Lot 15 to access Lot 14 are subject to providing the owner of Lot 14 at least 24 hours prior notice of the use of such access.

4. Responsibility for Maintenance of the Barn. The maintenance and repair of the Barn shall be exclusively the responsibility of the owner of Lot 15. The owner of Lot 14 shall have no responsibility, liability or obligation whatsoever for the maintenance or repair of the Barn.

5. Termination of Easement. This Agreement, and all of the rights and easements of the owner of Lot 15 under this Agreement, shall terminate automatically in the event that the Barn is destroyed, demolished or otherwise ceases to be located on the Lot 14 Barn Location for any reason.

6. No Other Rights. Except as expressly set forth above, the owner of Lot 15 shall have no rights to use or occupy any portion of Lot 14 for any reason or purpose.

7. Easement to Run with the Land. This Agreement shall benefit, and be enforceable against, each of Heritage and Miss Smoot, together with all subsequent owners of Lots 14 and 15, respectively.

8. General Provisions.

(a) This Agreement shall be governed by Texas law;

(b) this Agreement is the final agreement of the parties with respect to the subject matter of this Agreement, and all prior contemporaneous negotiations, discussions and agreements are merged in this Agreement.

Executed as of the date above written.

HERITAGE SOCIETY OF AUSTIN, INC.

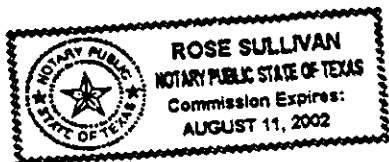
By: Tommy R. Navarre
TOMMY R. NAVARRE, FIRST VICE-PRESIDENT
BOARD OF DIRECTORS

Jane Smoot
JANE SMOOT

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THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

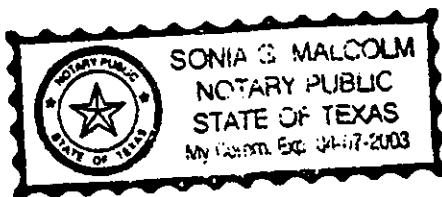
This instrument was acknowledged before me on the 17 day of November, 1999,
by Tommy Navarie of the Heritage Society of Austin, Inc. a Texas non-profit
corporation, for and on behalf of such corporation.



Rose Sullivan
NOTARY PUBLIC, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 12th day of November, 1999.
by Jane Smoot.



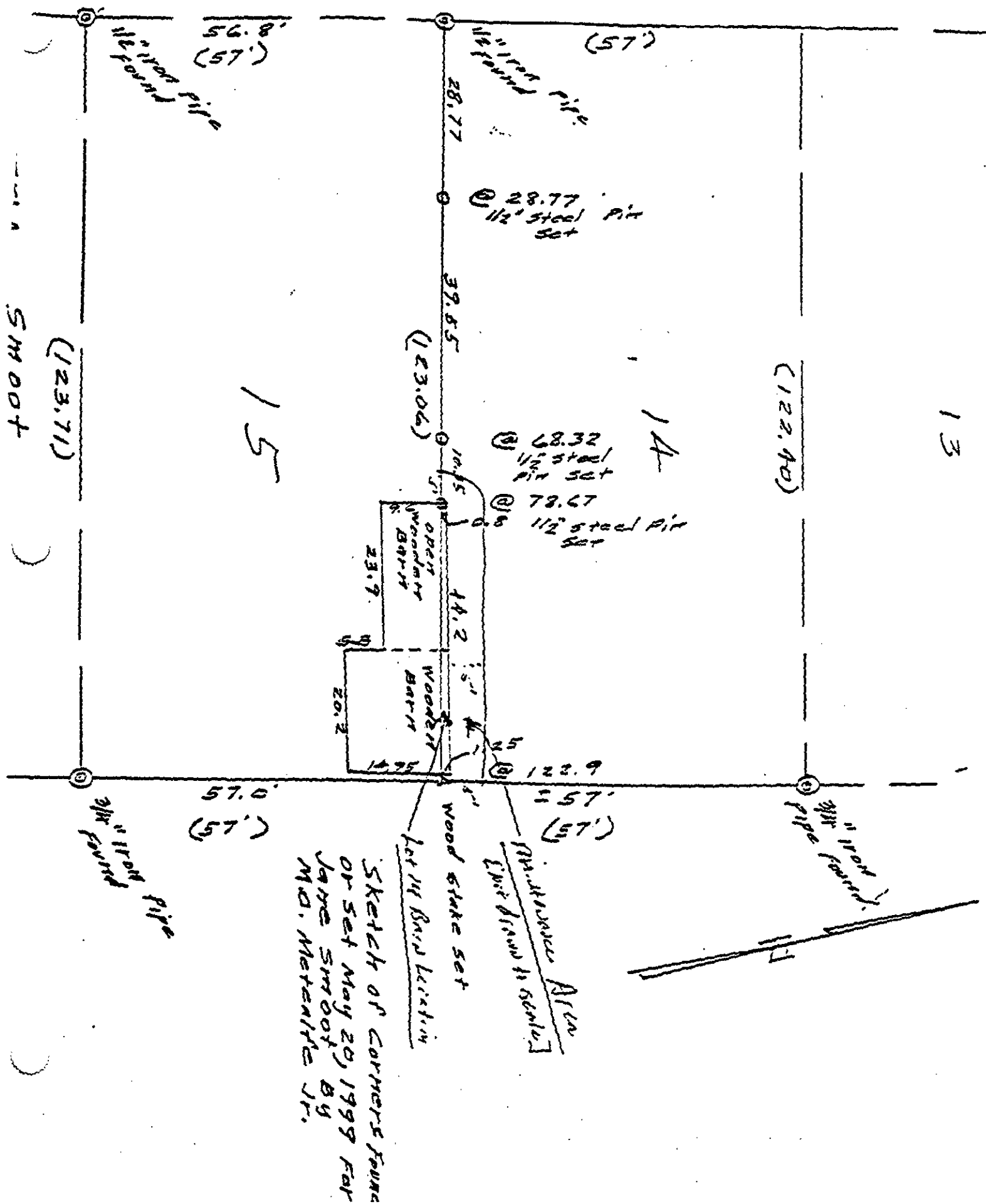
Sonia S. Malcolm
NOTARY PUBLIC, State of Texas

PLEASE RETURN RECORDED DOCUMENT TO:
R. Clarke Heidrick, Esq.
Graves, Dougherty, Hearon & Moody
515 Congress Avenue, Suite 2300
Austin, TX 78701

U: RCHidr:486 26:EasementAgt3 wpd. 11.3.1999

EXHIBIT A. 2 BASEMENT AGREEMENT
PRESSLER STREET

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FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

11-19-1999 03:04 PM 1999142590
DAVILAM \$17.00
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

**ORIGINAL
FILED FOR RECORD**

53

ARMBRUST BROWN & DAVIS, L.L.P.

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1800
AUSTIN, TEXAS 78701-4042
(512) 436-2300

TELECOPIER (512) 436-2300

RICHARD T. SUTTLE, JR.
435-2310
EMAIL RSUTTLE@ABDLAW.COM

October 18, 1999

VIA TELECOPY 499-2269

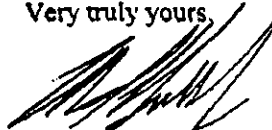
Ms. Alice Glasco, Director
Development Review & Inspection
City of Austin
301 West 2nd St., 2nd Floor
Austin, Texas 78701

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Very truly yours,



Richard T. Suttle, Jr.

cc: Ms. Barbara Stocklin (TELECOPY 499-2709)
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